

Nebraska Supreme Court
Interim Policy on Public Access to Court Information
as adopted by the Nebraska Supreme Court on November 13, 2003

I. Purpose of Policy

A. This interim policy is adopted for the limited purpose of allowing a method to access summary trial court records until a permanent policy is adopted

II. Definitions:

A. ***Trial Courts*** are District Courts, County Courts, and Separate Juvenile Courts.

B. ***In Electronic Form*** means information which exists as data in the fields or files of an electronic database.

C. ***Case Management System*** (CMS) is computer system designed to monitor and track court filings and events, and to account for all financial information in that case. ***JUSTICE*** is the case management system developed and maintained by the State Court Administrator's Office.

D. ***'Public'*** includes:

- (1) any person and any business or non-profit entity, organization or association;
- (2) any governmental agency for which there is no existing policy defining the agency's access to court records;
- (3) media organizations; and
- (4) entities which gather and disseminate information for whatever reason, and regardless of whether it is done with the intent of making a profit, without distinction as to the nature or extent of access.

'Public' does not include:

- (e) court or clerk of court employees;
- (f) people or entities, private or governmental, who assist the court in providing court services;
- (g) public agencies whose access to court records is defined by another

statute, rule, order or policy; and

(h) the parties to a case or their lawyers regarding access to the court record in their case.

E. **Public Access** means the public can inspect and obtain a copy of the information in a court record.

F. **Remote Access** means the ability to electronically search, inspect, or copy information in a court record without the need to physically visit the court facility where the court record is maintained.

G. **Bulk distribution** means the distribution of all, or a significant subset, of the information in court records, as is and without modification or compilation.

H. **Compiled information** means information derived from the selection, aggregation or reformulation of selected information from more than one individual court record.

III. Public Access to Court Records

Every member of the public may access the same information from the same records except as otherwise specifically provided. Stated differently, every public user will see the same information.

IV. General Access Rule

Information in a court record is accessible to the public unless prohibited by this policy or applicable laws.

V. Public Access to Electronic Court Records

The following records in a court Case Management System may be accessed via the Internet unless public access is restricted by law, court rule, or this policy.

- A. Litigant/party indexes to cases filed with the court;
- B. Summary information about each case including the names of the parties;
- C. Registers of actions describing the documents filed in a case;
- D. Calendars of court proceedings, including the case number, caption,

date, time, and location of scheduled hearings;

E. Summary information about judgments, orders, or decrees in a case.

VI. Bulk Distribution of Court Records.

Bulk distribution of court records in electronic form is not allowed except to preserve records and comply with courts' records retention schedules.

VII. Requests to Compile Court Record Information

Requests to compile court information will be considered only when the public interest will be served through significant scholarly, governmental, research, evaluation or statistical purposes. Applications should be directed to the Court Records Contact.

Court Records Contact
Nebraska State Court Administrator's
Office
1220 State Capitol Building
Lincoln, NE 68509-8910

VIII. Court Records Excluded From Public Access. The following information in a court record may not be accessed by the public:

A. Information enumerated in §84-712.05, R.S.S. 2002.

B. Information that is not to be accessible to the public pursuant to state law, court rule, or case law, including, but not limited to, the following:

(1) Criminal History Information as set forth in the Security, Privacy, and Dissemination of Criminal History Information Act. See Section 29-3501, R. S. 1995.

(2) Adoption case records (§43-113)

(3) The names and addresses of victims in criminal cases. Reference: *Neb. Const. Art I, Sect 28 and Section 81-1843, R.R.S. (1943)*.

(4) The names and addresses of witnesses.

IX. When Court Records Are Available

(a) Court records will be available for public access in the courthouse during regular office hours.

(b) Court records in electronic form which can be accessed remotely will be available for access at least during the hours established by the court for courthouse access, subject to unexpected technical failures or normal system maintenance.

(c) Upon receiving a request for access to information the court will respond within a reasonable time regarding the availability of the information and provide the information within a reasonable time.

X. Fees for Access

The Nebraska Supreme Court may establish fees for remote access to JUSTICE records.

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